



EXHIBIT 12  
DATE 2-19-2009  
HB HB 455

[www.mtmultipleuse.org](http://www.mtmultipleuse.org)

February 19, 2009

TO: Elsie Arntzen, Chair, and Members of the House Local Government Committee:

Re: Oppose HB 455

HB 455 must not be passed because it imposes an unreasonable simplistic formula to be applied to hundreds (or is it thousands) of miles of rivers across Montana. For every mile of river, this bill's 150 foot "natural buffer" potentially restricts 36 acres to "no use", and an additional 34 acres to "little use" for the taxpayer/landowner. This bill takes 60 acres per mile of river for alleged public purposes, devaluing thousands of acres with no compensation to the landowner. We believe HB 455 is unconstitutional. The proponents should be required to quantify the miles of river and acres of land the Bill would affect.

Imposing arbitrary cookie cutter requirements to be imposed and enforced across a huge diverse landscape such as exists in Montana is always a bad idea, and the wrong thing to do in management of natural resources. There is simply too much variation in the landscape geology, soils, and local settings for such a simplistic formula to be the proper solution more than 50% of the time. There are many miles of "Big Sky rivers" where the 250 setback is inadequate and there will be many more miles where the setback is too much or totally unnecessary.

The right thing to do is to provide incentives, education, and technical assistance for local governments, property owners and developers to properly evaluate and implement good stewardship of privately owned resources. Properties and projects should be evaluated on a site specific basis from the beginning, rather than imposing a costly burdensome variance process for the many, many cases where a State imposed "one size fits all" formula is inappropriate.

Eighteen years of monitoring results of Montana's nationally recognized voluntary Forestry Best Management Practices for timber sales is solid proof that this approach produces the desired results at a minimum cost to the taxpayers. The educational and cooperative strategy is far more cost effective than the combative and costly police force approach. HB 455, if passed, would create an adversarial climate between government and the private sector and it would obligate counties to assume a huge workload of unfunded mandates to implement and enforce.

HB 455 is not mindful of the State of Montana or the US Constitution which protects private property from being taken by Government bodies without fair market value compensation to the owner. Please do not arbitrarily impose such restrictive mandates without careful consideration of the extent the effects on Montana property owners and the economy of the entire State.

Finally HB 455 is redundant and unnecessary because much of the land it would affect is already protected by floodplain requirements and local governments already have the authority to establish additional local protections if needed.

Please vote no on HB 455.

Respectfully,

Fred D. Hodgeboom, President  
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